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Paper No. 19

In re Application of
Sadahiko Kondo *et al*
Application No. 09/747,971
Filed: December 27, 2000
Attorney Docket No. 001695

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: DECISION ON PETITION
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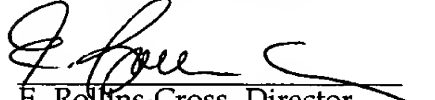
On April 20, 2004, petitioners filed a petition under 37 CFR 1.137(b) to revive this application. In view of petitioners' statements that "[T]he Notice of Abandonment mailed March 22, 2004 is respectfully believed to be improper, because the RCE and Preliminary Amendment filed January 28, 2004 fully respond to the Final Office Action of June 3, 2003", this application was forwarded to the undersigned for consideration as a petition under 37 CFR 1.181 to withdraw the holding of abandonment.

The petition under 37 CFR 1.181 is dismissed.

It is clear that any papers filed on January 28, 2004 would have been filed more than six months subsequent to the final Office action dated June 3, 2003, and that the application would therefore have been abandoned by operation of law. 35 USC § 133. Therefore, the application was properly held to have become abandoned for failure to file a timely reply to the Office letter dated June 3, 2003.

The application is being returned to the Office of Petitions for consideration of the petition under 37 CFR 1.137(b).

PETITION DISMISSED.


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